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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,978	03/30/2001	Paul E. Bender	010190	8948

23696 7590 04/04/2006

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EXAMINER	
MOORE, IAN N	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,978	BENDER ET AL.	
	Examiner	Art Unit	
	Ian N. Moore	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6,7,11-27 and 30-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6,7,11-27,30-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,6,7,11-13,15-18,20-23,25-27 and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Tidemann (US005392287A).

Regarding claim 1,6, 26, 30 and 33, Tiedemann discloses an apparatus system for transmitting control channel information (see FIG. 1, paging via control signal/channel) in a communication system (see FIG. 1, digital cellular communication system; see col. 3, line 18-33), comprising:

an access network or a transmitter unit (see FIG. 1, transmitter 10 or see FIG. 3, base station transmitter 120) configured to transmit a packet (see FIG. 2a-d and FIG. 5, a signal message), to an access terminal (see FIG. 1 and 3, mobile station user receiver 122; see col. 7, line 11-20), during a first time period (see FIG. 5a, time slot n), said packet including unicast information associated with said access terminal (see FIG. 5a, Address filed 220 with mobile ESN address 222; see col. 7, line 15-35; see col. 8, line 16-50),

said access network further configured to transmit a set of overhead parameters (see FIG. 5b, overhead information in message 116) during a second time period (see FIG. 5b, time slot n+1; see col. 9, line 6-20), said overhead parameters including system configuration information

associated with said access network (see col. 9, line 13-20; see col. 8, line 53-60; see col. 7, line 30-43; see col. 7, line 45-65; transmit overhead/instruction configuration information).

Regarding claim 11,16,21 and 32, Tiedemann discloses an access terminal for monitoring a control channel in a telecommunication system, comprising:

a receiver unit (see FIG. 1, Receiver 12 or see FIG. 3, mobile station user receiver 122) configured to receive:

a packet (see FIG. 2a-d and FIG. 5, a signal message) including unicast information associated with said access terminal (see FIG. 5a, Address filed 220 with mobile ESN address 222; see col. 7, line 15-35; see col. 8, line 16-50) during a first time period (see FIG. 5a, time slot n); and

a signature (see FIG. 5a, sequence number 228 in sequence number field 114) during said first time period (see col. 8, line 54-67; see col. 9, line 1-10); and

a controller (see FIG. 3, a combined system of slot generator 152, receiver processor 164 and power control 147; see col. 7, line 45 to col. 8, line 30) configured to instruct said receiver unit whether to receive a set of overhead parameters (see FIG. 5b, overhead information in message 116) during a second time period (see FIG. 5b, time slot n+1; see col. 9, line 6-20), based at least in part on said received signature (see col. 9, line 13-20; see col. 8, line 53-60; see col. 7, line 30-43; see col. 7, line 45-65).

Regarding claims 2,7,12,17,22,27,31,34 and 35, Tiedemann discloses transmitting, a signature (see FIG. 5a, sequence number 228 in sequence number field 114) during said first time period (see FIG. 5a, time slot n), said signature being linked to said set of overhead parameters (see col. 9, line 5-15; a sequence numbers 228 and 230 are compared against in order

to update/perform the overhead information in slot n+1, thus sequence number 228 and overhead parameters are linked).

Regarding claims 13, 18, and 23, Tiedemann discloses monitoring said control channel only during said first time period (see FIG. 5a, time slot n), if said signature message indicates that said set of overhead parameters is up to date (see col. 8, line 54 to col. 9, line 5; sequence number indicates a overhead message is up to date).

Regarding claims 15, 20, and 25, Tiedemann discloses monitoring said control channel to receive said set of overhead parameters during said second time period, if said signature message indicates that said set of overhead parameters is not up to date (see col. 8, line 54 to col. 9, line 20; when sequence numbers are different, there are additional overhead information and the overhead information is not up to date).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 14,19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann in view of Harte (US 5,794,137).

Regarding Claims 14,19 and 24, Tiedemann discloses monitoring said control channel only during said first period, if said signature indicates that said set of overhead parameters is up to date as descried above in claim 13, Tiedemann discloses entering a sleep mode (see col. 8, line

1-30; receiving entering inactive state) at the end of said first time period if a parameter (see FIG. 2d, MORE_PAGE field 98) indicates the message is update to date (see col. 8, line 1-30; when MORE_PAGE field is set to zero, "0").

Tiedemann does not explicitly disclose entering a sleep mode, if indicates that said set of overhead parameters is up to date. However, Harte teaches entering a sleep mode, if indicates that said set of overhead parameters is up to date (see FIG. 5, steps S2, S6, S7; entering nap mode or deep sleep mode when the is no more overhead update; see col. 6, line 30-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide entering a nap/deep-sleep mode when there is no more overhead update, as taught by Harte in the system of Tiedemann, so that it would improve battery saving technique; see Harte col. 2, line 20-39.

Response to Arguments

5. Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

Regarding claims 1,2,6-7,11-27 and 30-35, the applicant argued that, "...Tiedemann discloses...In other words, the address field (along with one or more action fields) is included in each message in Tiedemann (e.g. each of messages 110 and 116 shown in FIGs. 5a-b), as opposed to transmitting a packet including **unicast information** during a first time period and a set of overhead parameters during a second time period as recited in claim ..." in page 9, paragraph 1,3,4,5,6; and page 10, paragraph 1.

In response to applicant's argument, the examiner respectfully disagrees with the argument above.

Tiedemann discloses during a first time period (**see FIG. 5a, time slot n**), said packet including unicast information associated with said access terminal (**see FIG. 5a, Address filed 220 with mobile ESN address 222; see col. 7, line 15-35; see col. 8, line 16-50**), said access network further configured to transmit a set of overhead parameters (**see FIG. 5b, overhead information in message 116**) during a second time period (**see FIG. 5b, time slot n+1; see col. 9, line 6-20**).

The examiner asserts the claimed limitation "unicast information" as "an address field 220 with mobile ESN address 222", as shown in Tiedemann's FIG. 5a. Regarding the argument, how Tiedemann's message includes an address field and one or more action field by citing specific portions of Tiedemann is irrelevant since there are no specific details of "unicast information" being claimed. Note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that Tiedemann as set forth in the rejections are proper.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
3-22-06

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